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PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 21 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 251,198 students at 331 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2006 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion…” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students, if district level alternatives exist, will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 32 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.
A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).
Santa Clara County Office of Education

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools, but may be used for classification purposes (California Education Code 1981).

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools*  
Osborne  
Blue Ridge  
Muriel Wright

Group Homes*  
Advent Boys  
Advent Girls

Community Schools  
Bill Wilson*  
Calero  
Ridgemont  
South County  
Stonegate

Community Day Schools  
Foundry  
Santa Clara

*placement by non-education agency may be required
ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the “District Name” School District, the student may be referred to the county community school program.
GAPS IN EDUCATIONAL SERVICES TO
EXPELLED STUDENTS
AND
STRATEGIES FOR FILLING THOSE GAPS

1. The size of the districts in Santa Clara County varies greatly. There is
everything from small elementary districts with one school and 44 students to
larger school districts with 57 schools and over 32,000 students. Some districts
are located in rural areas and others in the urban center of the county. This
variance makes it difficult to offer the range of alternatives to all districts. The
strategy for addressing this problem is to maintain a county community school
program that is committed to providing educational services to the school
districts in the county and that employs a variety of instructional strategies,
including those that are capable of overcoming obstacles associated with
providing educational services to rural often isolated settings.

2. Students who commit an expellable offense during an expulsion period may
have limited alternatives available for a secondary placement. The strategy for
addressing this problem is to maintain a commitment to providing educational
services to students regardless of repeated offenses. These services may be in
locations where distance becomes a serious obstacle. One strategy is that
students may be returned to their school district of residence to provide an
educational program placement, another strategy that has been employed at the
county-level programs is to provide intense training to educational staff that
improves their skills at diffusing potentially volatile situations with students,
and decreasing the likelihood of a problem escalating to an expellable level.

3. Students in grades K-6 who are expelled do not have the same educational
options available as do their counterparts in grades 7-12. Students in grades K-
6 are expelled at a much lower rate than students in grades 7-12. These two
factors, together with the requirement that educational services for students in
grades K-6 cannot be merged or combined with services to students in grades
7-12, make it very difficult to identify an educational placement for the expelled
student who is in grades K-6. The strategy for addressing this problem is to
develop a cooperative plan for maintaining a multi-district educational
alternative capable of serving this smaller, more isolated student population. A
gap of under-funding for K-6 services in county community schools is a barrier.
It is important to work with the California Department of Education to increase
funding to establish and maintain an educational alternative for expelled
students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled
Students Plan. Many of our families cannot access the educational
opportunities because of a lack of finances. Funding for community schools
continues to be low and requires that Santa Clara County Office of Education to
operate on a chargeback system to our participating districts. We will continue
to explore opportunities for additional funding to address these gaps.
Santa Clara County
Office of Education
District Plans
ELEMENTARY SCHOOL DISTRICTS
Alum Rock Elementary School District

Plan for Expelled Youth
PLAN BETWEEN THE
SANTA CLARA COUNTY
OFFICE OF EDUCATION

AND

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

FOR THE
IMPLEMENTATION
OF
EDUCATION CODES
§48916.1 AND §48926

Developed by
Juvenile Court and Community School
Administrators of California
(JCCSAC)

2009-10

Approved by the Alum Rock Elementary School District
INTRODUCTION

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of services and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by Alum Rock Union Elementary School District’s Student Services Division. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through the Alum Rock Union Elementary School District and/or County referral process.
Santa Clara County Plan for Expelled Youth

Education Code

**Education Code §48926**

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives; identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 2009, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section §48916.1 on June 30th thereafter.

**Education code §48916.1**

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that all educational programs are provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.
County Office of Education
Overview

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each school district affects how the Santa Clara County Office of Education Community School’s program will meet needs of that particular school district. Some school districts use the Santa Clara County Office of Education program as an educational option for those students expelled under a district’s “zero-tolerance” policy, while others use this program for student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

Santa Clara County Overview

County Existing Educational Alternatives Available to Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1) Daily educational programs that range from 240 to 360 minutes per day in community school classrooms;

2) Teen parent program;

3) Specific “non-restrictive” sites:
   Calero Community School (75 capacity)
   Dixon Community School (32 capacity)
   Escuela Popular (16 capacity)
   Enterprise Academy (16 capacity)
   South County Community School (48 capacity)
   The Foundry (75 capacity)

4) Partnership programs:
   Advent Community School (Group Home)
   Cambrian Community School (Cambrian) (12 capacity)
   Camden Community School (Priority to Campbell HS District) (70 capacity)
   Fremont Community School (Fremont HS District – opening 9/1/97) (22 capacity)
   Gilroy Community School (Gilroy)
   North County Community School (Whisman, Mt. View Elem. Sunnyvale)
   Phoenix (Alternative School IOOF) (11th and 12th grade, 80 capacity)
   Ridgemont Community School (Alum Rock)
   Santa Clara Community School (Santa Clara)
   San Jose Community School (San Jose) (40 middle school and 80 high school capacity)
   Stonegate Community School (Franklin-McKinley)
Alum Rock Existing Educational Alternatives for Expelled Youth

Alum Rock School District, located within Santa Clara County, offers the following options for expelled youth, depending on the specific offense and Education code violation:

1) Suspended expulsion with placement on a different school campus within the District;

2) Expulsion with referral to a District Community Day School program (if one is operated by the District); or

3) Expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program.

Actual referral to such a placement is made by the Alum Rock District Governing Board, or through district recommendation from the Discipline Hearing Process, Expulsion Hearing Panel, SARB, or a similar District referral process.
County and District Gaps and Strategies
In Educational Services

There are seven major gaps that exist with respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing these gaps.

1. It is possible under Education Code §48916.1 (a) that a student would not be expelled. As an example, a student who has been expelled from Alum Rock under Education Code §48915 and referred to either a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to Alum Rock.

**District Strategy for addressing this gap:**
- Districts which have developed a county Community Day School have the option to refer appropriate students to this program (if funded).

2. Students who have failed their placement in county Community Day may be referred to a county operated Community Schools. If the student fails the program or commits another expulsion expellable offense, there may not be viable alternatives remaining.

**District strategy for addressing this gap:**
- The Santa Clara County Office of Education will continue to provide educational services to eligible students placed or referred to the Court and Community School/Day Center program.
- The District will continue to use existing educational strategies and programs to meet the needs of expelled students.

3. Small school districts within Santa Clara County generally expel very few students during the course of a school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.

**District strategy for addressing this gap:**
- A regional program have been developed to reflect geographic or limited numbers.
4. Students, who are expelled by individual small school districts and by the combined small school districts within Santa Clara County, vary as to age, grade level, and expellable offenses. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for these students and respective districts.

**District strategy for addressing this gap:**
- A regional program have been developed to reflect geographic or limited numbers.

5. There are significant geographical distances between local small districts, thus district or county operated sites/programs for small school districts would require either extensive busing, which is not financially feasible for the county, or parent provided transportation which is often impossible for the parents.

**District strategy for addressing this gap:**
- Regional program may be developed to reflect geographic or limited numbers.

6. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. Younger students cannot attend the programs designed for middle or high school students. Though the numbers are growing; these are generally not enough to comprise an elementary school classroom or program.

**District strategy for addressing this gap:**
- A regional program may be developed to reflect geographic or limited numbers.

7. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:

   a) the six (6) hour, or 360 minute day exceeds the required hours for a continuation school day (15 hours per week), as well as the required hours for students enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School programs;

   b) access to additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the funding, and requires additional attendance bookkeeping and record keeping;

   c) the Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits program flexibility required for success;

   d) the separation of students in grades K-6 from students in grades 7-8 creates boundaries that maybe financially and/or geographically difficult;

   e) inability to locate a comprehensive site is a further complication.

**District strategy for addressing this gap:**
- Implement a Student Study Team (SST) procedures with which to analyze student needs and suggest alternatives; i.e. Santa Clara County operated Community Schools.
County & District Alternative Placements

Step I

Step I is for those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils:

Alum Rock School District continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

Step II

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program, a district Community Day School Program, or a Santa Clara County Office of Education Community School:

Expelled students will be referred to a Santa Clara County Office of Education Community School which is a permissive program. An Individual Learning Plan will be developed with the student’s parents and COE staff. Part of this plan may include a goal of returning to the school district of residence after completing all district terms and conditions. Students who fail the County-operated program are referred back to the district for possible review and reassignment within the district.
Berryessa Union School District

Plan for Expelled Youth
PLAN BETWEEN THE
SANTA CLARA COUNTY OFFICE OF EDUCATION
&
BERRYESSA UNION SCHOOL DISTRICT
FOR THE
IMPLEMENTATION
OF
EDUCATION CODES 48916.1 AND 48926

Developed by
Berryessa Union School District: Educational Services & Juvenile Court and
Community School Administrators of California (JCCSAC)

March 25, 1997
Berryessa Union School District – 1376 Piedmont Road
San Jose, CA 95132-2498 (408.923.1830)
1996-97 School Year

BOARD APPROVED: May 20, 1997
INTRODUCTION

Educational programs with Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, the combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options. A student who is simply in need of an educational alternative may also access these programs through a district and/or county referral process.
BERRYESSA UNION SCHOOL DISTRICT
PLAN FOR EXPELLED YOUTH

Education Code

Education code – 48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district in the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils; identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendent of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1

Education code – 48916.1

1. At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriate for this purpose in the annual budget Act or other legislation, or both.
OVERVIEW: SANTA CLARA COUNTY OFFICE OF EDUCATION

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. Some school districts use the Santa Clara County program as an education option for those students expelled under the district’s “zero-tolerance” policy, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

OVERVIEW: BERRYESSA UNION SCHOOL DISTRICT

Existing Educational Alternatives for Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1. Daily educational programs that meet from 240-300 minutes per day in community classrooms.

2. Contracted student programs (Independent Study) that require students to complete 20 hours of educational product.

Berryessa Union School District located in Santa Clara County offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. suspend expulsion with placement on the same school campus;
2. suspend expulsion with placement on a different school campus within the district;
3. expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program;
4. expulsion with home instruction for students who receive special education.

Actual referral to such a placement is made by the district’s Board of Trustees with recommendations from the district’s Expulsion Panel.
SANTA CLARA COUNTY AND BERRYESSA UNION SCHOOL DISTRICT: GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are two major gaps that exist in respect to providing educational services to expelled pupils. Following the gaps in the Santa Clara County’s or Berryessa Union School District’s strategy for addressing them:

1. It is possible under Education Code 48916.1 that a student would not be expelled. As an example, a student who has been expelled for the district under Education Code 48915 and referred to a county Community Day School or Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the original district.

   Berryessa Union School District’s strategy for addressing this gap: Student would be placed on full time independent study (or home teaching if the student was receiving special education services).

2. Students in grades one through six who are expelled to not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The number of these younger children is growing but generally are not enough to develop an elementary school classroom or program.

   Berryessa Union School District’s strategy for addressing this gap: Students will attend a regional program.
PLACEMENTS: SANTA CLARA COUNTY & BERRYESSA UNION SCHOOL DISTRICT

(For those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils.)

Step I
The district of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an education program is provided either within or outside the school district.

Step II
Expelled students who fail to meet the terms and conditions of their rehabilitation plan may be referred to a different school, another district, a district Community Day School Program (if funded), or the Santa Clara County Office of Education Community School.

Expelled students who are referred to Santa Clara County Office of Education Community School (which is a permissive program) shall develop an Individual Learning Plan with the students' parents and County office of Education staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail in the county-operated program, they are referred back to the district for possible review and replacement.
Cambrian School District

Plan for Expelled Youth
A JOINT PLAN

BETWEEN

THE CAMBRIAN SCHOOL DISTRICT

AND

THE COUNTY OFFICE OF EDUCATION

FOR

THE IMPLEMENTATION OF

EDUCATION CODES 48916.1 AND 48926

Developed by

CAMBRIAN SCHOOL DISTRICT

AND

SANTA CLARA COUNTY OFFICE OF EDUCATION

May 2009
Educational programs within Santa Clara County provide opportunities for students who are in need of traditional and/or alternative educational programs. Individual school districts offer a broad spectrum of service and the County Office of Education offers additional options. This combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.
SANTA CLARA COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of education care as outlined. The philosophy of each school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. The Community School is a permissive educational program that provides the local school district with another education option for their expelled youth.

CAMBRIAN SCHOOL DISTRICT OVERVIEW

County Existing Educational Alternative Schools for Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1. Daily educational programs that range from 240-300 minutes per day in community classrooms;

2. Independent Study Program (IS) that requires students to complete a minimum of 20 hours of educational product.

3. Teen parent program.

4. Specific site names:

   Cambrian Community School
   Central Independence High School
   Almaden Community School
   Camden Community School
   Foundry Community School
   Calero Community School
   McKinnon (Teen Parent Program)
CAMBRIAN DISTRICT EXISTING EDUCATIONAL ALTERNATIVES
FOR EXPELLED YOUTH

Cambrian School District located within Santa Clara County offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same or different school campus;

2. Suspended expulsion with placement on a different school campus on a neighboring District;

3. Expulsion with referral to the Santa Clara County Office of Education court and community School/Day Center Program; or

4. Expulsion with referral to a District Community Day School program.

Actual referral to such a placement is made by the District Governing Board.
There are major gaps that exist in respect to providing education services to expelled pupils. Following each gap in the Santa Clara COE/Cambrian strategy for addressing these gaps:

1. It is possible under Education Code 48916.1a. that a student who has been expelled from the Cambrian District under Education Code 48915 and referred to either a district Community Day School or a County operated Community school program could commit another violation of Education Code 48915 and ultimately be referred back to the Cambrian District.

**Santa Clara County/Cambrian strategy for addressing this gap:**

Cambrian has the option to refer to other District/County Community Day Schools if the program is appropriate.

2. Students who have failed their placement in County Community Day School may be referred to other county operated programs. If the student fails this program or commits another expulsion type offense there may not be any viable alternatives remaining.

**Santa Clara County/Cambrian strategy for addressing this gap:**

The Santa Clara County Office of Education will continue to provide educational services to those eligible students placed or referred to the Court and Community School/Day Center program.

Cambrian will continue to explore existing educational strategies and programs to meet the needs of expelled students.

3. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through eight, due to the limited numbers of student who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing within the county, but generally are not enough to develop an elementary school program.
**Santa Clara County Cambrian strategy for addressing this gap:**
Regional program may be developed to reflect geographical or limited numbers.

Itinerant Independent Study program to be developed for grades K-6 by the Santa Clara County Office of Education.

Explore concurrent Ed. Code provisions which separates K-6 and 7-12 to determine feasibility of group K-5 and 6-12.

4. The district Community Day School option for expelled students, as described in current California Education Code, is difficulty for the local districts to develop due to the following reasons:

   a. The six (6) hour, or 360 minute day exceeds the required hours for a minimum school day (240 minutes), the required hours for a continuation school day (15 hours per week), and the required hours for students enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program;

   b. Access to the additional funding is restricted by having the student complete six hours or hour-by-hour attendance accounting in order for the district to receive the additional funding;

   c. The district Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;

   d. The separation of students in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult;

   e. Inability to locate on a comprehensive site is a further complication.

**District strategy for addressing this gap:**

Refer to a county level Student Study Team or SARB to analyze student needs and suggest alternatives.
CAMBRIAN DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH

Education code – 68926:

Each county superintendent or schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school district within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing education alternative for expelled pupils, identify gaps in education services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils as determined by the governing board.

Each county superintendent of schools in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing education services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

Education Code – 48916.1

a. At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion but only to the extent funds are appropriate for this purpose in the annual Budget Act or other legislation, or both.
Campbell Union School District

Plan for Expelled Youth
A PLAN
FOR
CAMPBELL UNION SCHOOL DISTRICT
FOR
THE IMPLEMENTATION OF
EDUCATION CODES 48916.1 AND 48926

Developed by
Campbell Union School District

2009
INTRODUCTION PAGE

CAMPBELL UNION SCHOOL DISTRICT PLAN FOR
ALTERNATIVE EDUCATIONAL SETTING

In 2007, Campbell Union School District implemented a Community Day School so that expelled students would be educated in Campbell USD, where the curriculum is aligned with the District’s programs. One of the goals of the program was and is to transition Community Day School students back into the traditional comprehensive middle school campus. For this reason, the aligned curriculum is of high importance.

This local program is the primary setting for students expelled from Campbell USD. Although the County programs are available to CUSD’s expelled students, a student may be enrolled in the Santa Clara County Program instead of the Campbell USD Community Day School only with the approval of the Superintendent.
CAMPBELL UNION SCHOOL DISTRICT EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

Campbell Union School District, located within Santa Clara County, offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same or different school campus.

2. Expulsion with placement in the district’s alternative program, CUSD Community Day School.

3. Suspended expulsion with placement on a different school campus in a neighboring District, only with the Superintendent’s or her/his designee’s approval.

4. Expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program, only with the approval of the Superintendent.

The decision to place students in an alternative placement and actual referral to such a placement is recommended to the Superintendent by the Director of Student Services. All expulsions must be approved by the Campbell Union School District Governing Board and must be aligned to State Education Code and CUSD Board Policy.
There are gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the Campbell USD strategy for addressing these gaps:

1. Student in grades one through five who are expelled do not have the same educational options available as do expelled youth who are in grades six through eight, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle school students. The numbers are growing within the county, but generally are not enough to develop an elementary school program. Younger students who are expelled, can be provided with Home Schooling or Independent Study programs.

2. Campbell Union School District has developed a Community Day School program which is designed to serve expelled students from Campbell USD as well as students from surrounding districts, if space permits.

3. Campbell Union School District has developed collaborative relationships with surrounding districts so that students may be placed at a middle school in a nearby district. In the same way, Campbell USD accepts students from nearby districts.
CAMPBELL UNION SCHOOL DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH:

Education Code – 48926:

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the other districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 2009, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

Education Code – 48916.1

a. At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.
Cupertino Union School District

Plan for Expelled Youth
A PLAN FOR EXPELLED STUDENTS

BETWEEN

CUPERTINO UNION SCHOOL DISTRICT

AND

SANTA CLARA COUNTY OFFICE OF EDUCATION

FOR

IMPLEMENTATION OF

CALIFORNIA EDUCATION CODES

48926

and

48916.1

Developed by

Cupertino Union School District

Santa Clara County Office of Education

Community Schools Program

1997

BOARD APPROVED: May 13, 1997
Introduction

Education programs and services within Santa Clara County provide opportunities for all students who are in need of a traditional or an alternative education. Between the programs and services offered by individual school districts and those offered by the county office of education expelled students are provided with a continuum of alternatives.

Recently enacted state laws (CEC 48916.1 and 48926) now require each school district and the county office of education to develop a coordinated plan for providing educational services to all expelled students. These plans must be approved by each respective district board of education and the governing board of the county office of education.

The required plans must:

- Enumerate educational alternatives for expelled students.
- Identify gaps in educational services to expelled students.
- Identify strategies for filling service gaps.
- Identify alternative placements for students who:
  - Fail to meet the terms and conditions of their rehabilitation plan.
  - Pose a danger to other district students.

The County Superintendent of Schools is required to submit the plan to the State Superintendent of Public Instruction by June 30, 1997, and update the plan every three years.
School District

Existing District Education Alternatives for Expelled Students

The Cupertino Union School District offers the following options for expelled students, depending on the specific violation of the California Education code:

- Suspended expulsion with placement on the same school campus within the district.
- Suspended expulsion with placement on a different school campus within the district.
- Suspended expulsion with placement in the district’s Opportunity Class Program (grades 7 and 8).
- Expulsion or suspended expulsion with placement in a neighboring school district.
- Suspended expulsion with placement in the district’s Home Study Program (if the parent agrees).
- Expulsion with referral to the Santa Clara County Office of Education Community Schools Programs (grades 7 and 8).
- Expulsion with placement on home teaching (usually a short term option).
Santa Clara County Office of Education

Existing County Education alternatives for Expelled Students

The Santa Clara County Office of Education will continue to provide education program options for expelled students. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community Schools programs will be able to address the needs of a particular school district.

The Santa Clara County Office of Education Court and Community Schools programs offer the following options for expelled students:

- Daily education programs that range from 240 to 350 minutes per day in community classrooms.
  Specific sites include (examples):
  - North County Community Schools Grades 7-8 (5 guaranteed openings)
  - Bill Wilson Homeless Program Grades 7-8
  - Teen Parent Program Grades 7-8

- Homeless program.

- Teen parent program.
Gaps and Strategies in Education Services  
for Expelled Students

There are three major gaps that exist to providing education services to expelled students. Following each identified gap is a proposed strategy for addressing each issue.

1. **Identified Gap**

   A student who has been expelled from the district and referred to either a district sponsored program, a neighboring district, or a county office Community Schools Program may commit another expellable violation and be referred back to the district of residence.

   **Strategy**

   The Cupertino Union School District will continue to use existing education strategies and programs to meet the needs of expelled students including but not limited to placement in the home study or home/hospital teaching programs. The Santa Clara County Office of Education will continue to provide education services to those eligible students placed or referred to a Court or Community School Program.

2. **Identified Gap**

   Many school districts expel only a few students during the course of a school year. As a result, having a specialized class or program for such students, located in each district, is not financially or geographically possible.

   **Strategy**

   The Cupertino Union School District will continue to collaborate with a consortium of districts and the county office of education to explore options for developing regional programs to address this issue.

3. **Identified Gap**

   Students in grades one through six who are expelled, do not have the same education options as expelled youth who are in grades seven and eight, due to the limited number of students who are expelled in the lower grades. These younger students cannot attend the programs designed for middle and high school students. The number of expelled elementary students is growing, but is not enough in any one district to develop a special program.

   **Strategy**

   The Cupertino Union School District will collaborate with a consortium of districts and the county office of education to explore options for developing a regional K-6 program to address this issue.
Glossary of Terms

Community Day Schools

A specialized class, operated by a school district under Education Code 48664, which operates a minimum of 360 minutes per day of classroom instruction to receive revenue limit funding. In addition to revenue limit funding, Education code 48664 establishes incentive funding of $1,500.00 per year for each unit of ADA. The class can not be situated on a comprehensive school site. (Ed Code 48860-48866)

County Community School

A specialist class, operated by the county office of education under Education Code 1980, which serves pupils (a) expelled from a school district; (b) referred by a school district as a result of the recommendation by a school attendance review board; (c) referred by the school district of attendance; or (d) homeless children. (Ed Code 1980-1986)
Legal References

Education Code 48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school district within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing boards of school districts within the county and by the county board of education.

The plan shall enumerate existing education alternatives for expelled pupils, identify gaps in education services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in alternative programs, but who fail to meet the terms and conditions of their rehabilitation plans or who pose a danger to district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendent of the school district, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

Education Code 48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an education program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriate for this purpose in the annual Budget Act or other legislation, or both.
Evergreen School District

Plan for Expelled Youth
EVERGREEN SCHOOL DISTRICT
PLAN FOR EXPELLED YOUTH

In compliance with California Education codes 48916.1 and 48926, the Evergreen School District has developed the following plan, which identifies educational services available to expelled youth. This plan also identifies gaps in educational services to expelled youth and identifies strategies in order to fill these gaps. Finally, this plan identifies alternative placements for pupils who are expelled but who fail to meet the terms and conditions of their Rehabilitation Plan or who pose a danger to other district pupils, as determined by the Board of Trustees.
EVERGREEN SCHOOL DISTRICT

EXISTING EDUCATION ALTERNATIVES FOR EXPELLED YOUTH

Evergreen School District offers the following options for expelled youth, depending on the particular offense and the California Education Code violation:

1. Expulsion with suspension of the expulsion order and placement to continue on the same school campus.

2. Expulsion with suspension of the expulsion order and placement on another school campus with the school district.

3. Expulsion with referral to the Santa Clara County Office of Education Community Schools Program.

4. Expulsion with referral to the Santa Clara County Office of Education Independent Study Program.

5. Home teacher.

The above referrals and placements are made by the Board of Trustees of Evergreen School District at the time of the expulsion and are stipulated in the Rehabilitation Plan developed for the student at the time of expulsion.
The Santa Clara County Office of Education Court and Community Schools Program offers the following options for expelled youth:

1. Daily educational programs that meet between 270 to 300 minutes per day in community schools. The community school is an educational program that provides Evergreen School District with another education option for expelled students.

2. Contracted independent study program (IS) that requires students to complete a minimum of 20 hours of educational product under the supervision of a teacher.
EVEGREEN SCHOOL DISTRICT

GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing the gaps.

1. It is possible under Education Code 48916.1 that a student could be expelled not only from the District but also, if they commit another violation of Education Code 48915, could be discharged from the Community School where they are enrolled. They would be in need of another placement.

**District strategy to address this gap:**
Status of student will be reviewed by District team and recommendations made, if appropriate, to refer to another Community School or Independent Study program.

2. Students in grades one through six who are expelled do not have the same educational opportunities available to them as do expelled youth who are in grades seven through twelve, due to limited numbers of students expelled in the lower grades. These younger children cannot attend the programs designed for middle and high school students.

**District strategy to address this gap:**
District to work in collaboration with adjoining school districts and the County Office of Education to create alternative educational options for the younger children. A student may be able to utilize some of the existing services available through the Alternative Schools Department operated by the Santa Clara County Office of Education. This may include a modified independent study program or a modified educational program at a Community School campus.
3. Students in grades seven and eight may not have alternative educational programs available to them in close proximity to their home or local school district. This would occur if the closest site was at capacity.

**District strategy to address this gap:**
District will maintain continual dialogue with the Alternative Schools Department in the Santa Clara County Office of Education to alert them to trends in increasing numbers of expelled youth in order for them to plan additional classes.
EVERGREEN SCHOOL DISTRICT

ALTERNATIVE PLACEMENTS

For those expelled students who have been placed in an alternative educational program but who fail to meet the terms or conditions of their Rehabilitation Plan or who pose a danger to other district pupils, a plan must be established to address their needs.

District Strategy:

The Evergreen School District continues to maintain responsibility for reviewing options remaining for the student. A review of the student’s status should take place to determine what other options might be available. The student may be referred to a Santa Clara County Office of Education Community School program or Independent Study program. An Individual Learning Plan (ILP) may be developed with the student’s parent and the student. It may be appropriate to involve other agencies or resources in this plan if they have not been involved in the past. The Evergreen School District is not obligated to place back in a District school if the terms or conditions of the Rehabilitation Plan have not been adhered to.
Franklin-McKinley School District

Plan for Expelled Youth
Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a district and/or county referral process.
SANTA CLARA COUNTY/
FRANKLIN-McKINLEY SCHOOL DISTRICT

Education Code

48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.
COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. Some school districts use the Santa Clara County Office of Education program as an educational option for those students expelled under a district “zero-tolerance” policy, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

FRANKLIN-McKINLEY SCHOOL DISTRICT OVERVIEW

County Existing Educational Alternatives Available to Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center Program offers the following options for expelled youth:

1) daily educational programs that range from 240 to 360 minutes per day in community school classrooms;
2) teen parent program
3) specific “non-restrictive” sites
   Calero Community School (112 capacity)
   South County Community School (48 capacity)
   The Foundry (75 capacity)

Partnership programs:
Advent Community School (Group Home)
Ridgemont Community School (Alum Rock)
Santa Clara Community School (Santa Clara)
Stonewall Community School (Franklin-McKinley)
COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are seven major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps.

1. It is possible under education Code 48916.1(a) that a student would not be expelled. As an example, a student who has been expelled from the District under Education Code §48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to the original District.

   **County/District strategy for addressing this gap:**
   - Districts who have developed a district Community Day School will have the option to refer appropriate students to this program (if funded).

2. Students who have failed their placement in district Community Day Schools may be referred to other district programs or to a county operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.

   **County/District strategy for addressing this gap:**
   - The Santa Clara County Office of Education will continue to provide educational services to those eligible students placed or referred to the Court and Community School/Day Center program.
   - Districts will continue to use existing educational strategies and programs to meet the needs of expelled students.

3. Small school districts within Santa Clara County generally expel very few students during the courts of a school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.

   **County/District strategy for addressing this gap:**
   - Regional program may be developed to reflect geographical or limited numbers.

4. Students, who are expelled by individual small school districts, and by the combined small school districts within Santa Clara County, vary as to age, grade level, and expulsion offenses. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for this district.

   **County/District strategy for addressing this gap:**
   - Regional program may be developed to reflect geographical or limited numbers.
5. There are significant geographical distances between local small districts, thus district or county operated classroom sites/programs for small school district would require either extensive busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

**County/District strategy for addressing this gap:**
- Regional program may be developed to reflect geographical or limited numbers.

6. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing, but generally are not enough to develop an elementary school classroom or program.

**County/District strategy for addressing this gap:**
- Regional program may be developed to reflect geographical or limited numbers.

7. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:

   a) the six (6) hour, or 360 minute day exceeds the required hours for a minimum school day (240 minutes), the required hours for a continuation school day (15 hours per week), and the required hours for student enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program;

   b) access to the additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance bookkeeping and record keeping;

   c) the Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;

   d) the separation of students in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult;

   e) inability to locate on a comprehensive site is a further complication.

**County/District strategy for addressing this gap:**
- Develop a Student Study Team to analyze student needs and suggest alternatives; i.e. County operated Community Schools.
District Existing Educational Alternatives for Expelled Youth

School districts located within Santa Clara County offer the following options for expelled youth, depending on the specific offense and Education code violation:

1. suspended expulsion with placement on the same school campus;

2. suspended expulsion with placement on a different school campus within the District;

3. expulsion with referral to a District Community Day School program (if one is operated by the District); or

4. expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program

Actual referral to such a placement is made by the District governing Board, with recommendations from the District Discipline Review Board, SARB, or a similar District referral process.
Lakeside School District

Plan for Expelled Youth
5131.6 Suspension and Expulsion

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, “suspension” does not mean any of the following:

1. Reassignment to another education program or class where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.

2. Referral to a certificated employee designated by the Superintendent/Principal to advise students.

3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the Superintendent/Principal as provided in Education Code Section 48910. Removal from a particular class shall not occur more than once every five (5) school days.

Expulsion means removal of a student from the immediate supervision and control or the general supervision, of school personnel.

Day means a calendar day unless otherwise specifically provided.

Schoolday means a day upon which the schools of the District are in session or weekdays during the summer recess.

Student includes a student’s parent/guardian or legal counsel.

Notice of Regulations

At the beginning of each school year, the Superintendent/Principal shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Notification shall include information about the ongoing availability of individual school rules and all District policies and regulations pertaining to student discipline.
Grounds for Suspension and Expulsion

The Superintendent/principal shall immediately suspend and recommend for expulsion any student who commits any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling or otherwise furnishing a firearm except where a certificated employee gave prior written permission to possess the firearm and the Superintendent/Principal concurred.

2. Brandishing a knife at another person.


4. Committing or attempting to commit a sexual assault or sexual battery as defined in Education Code Section 48900.

Students may be subject to suspension or expulsion for committing any of the acts listed below:

5. Causing, attempting to cause or threatening to cause physical injury to another person.

6. Willfully using force or violence upon the person of another, except in self defense.

7. Possessing, selling or otherwise furnishing any firearm, knife, explosive or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent/Principal’s concurrence.

8. Unlawfully possessing, using, selling or otherwise furnishing or being under the influence of any controlled substance as defined in the Health and Safety Code Sections 11053 through 11058, alcoholic beverage or intoxicant of any kind.
9. Unlawfully offering, arranging or negotiating to sell any controlled substance as defined in health and Safety Code Sections 11053 through 11058, alcoholic beverage or intoxicant of any kind, and then selling, delivering or otherwise furnishing to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant.

10. Committing or attempting to commit robbery or extortion.

11. Causing or attempting to cause damage to school property or private property.

12. Stealing or attempting to steal school property or private property.

13. Possessing or using tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarette, miniature cigars, clove cigarette, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.

14. Committing an obscene act or engaging in habitual profanity or vulgarity.

15. Unlawfully possessing or unlawfully offering, arranging or negotiating to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

16. Disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials or other school personnel engaged in the performance of their duties.

17. Knowingly receiving stolen school property or private property.

Students are also subject to suspension or recommendation for expulsion for any of the acts listed below:

18. Possessing an imitation firearm. "Imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
19. Committing or attempting to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a or 289 of the penal Code or committing a sexual battery as defined in Section 243.4 of the penal code.

20. Harassing, threatening or intimidating a pupil who is complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.

21. Committing sexual harassment as defined in Education Code Section 212.5 or Board policy.

22. Causing, attempting to cause, threatening to cause or participating in an act of hate violence as defined in Education Code Section 33032.5

23. Intentionally harassing, threatening or intimidating a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

24. Making terroristic threats against school officials or school property or both. “Terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonability to be in sustained fear for his or her own safety or for his or her immediate family’s safety or for the protection of school district property or the personal property of the person threatened or his or her immediate family.

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any District school or within any other school district, including but not limited to the following circumstances:

1. While on school grounds
2. While going to or coming from school

3. During the lunch period, whether on or off the school campus

4. During, going to or coming from a school-sponsored activity

Alternatives to suspension or expulsion may be used with students who are truant, tardy or otherwise absent from assigned school activities.

Authority to Suspend

A teacher may suspend any student from the teacher’s class for the day of the suspension and the day following for committing any of the acts listed above.

The Superintendent/principal may suspend a student from a school for not more than five (5) consecutive school days unless the suspension is extended pending expulsion and the presence of the student would cause a danger to persons or property or a threat of disrupting the instructional process.

Suspension may be imposed upon a first offense if the Superintendent/principal determines the student violated items (1)-(10) listed in “Grounds for Suspension and Expulsion” above or if the student violated items (11)-(24) and the student’s presence causes a danger to persons or property or threatens to disrupt the instructional process.

A student may be suspended from school for not more than twenty (20) school days in any school year, unless for purposes of adjustment, a student enrolls in or is transferred to another regular school, an opportunity school or continuation school or class, in which case suspension shall not exceed thirty (30) days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts enumerate in Education Code Section 48900 occurred. The suspension shall meet the requirements of Education Code Section 48915.
Suspension From Class by a Teacher/Parental Attendance

Suspension from class means the removal of a student from class by a teacher for the day of the suspension and the following day. A teacher may suspend a student from class and may also refer a student for consideration of suspension from school for any act listed in “Grounds for Suspension and Expulsion” above.

When suspending a student, the teacher shall immediately report this action to the Superintendent/Principal and send the student to the Superintendent/Principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student’s parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist should attend the conference if it is practicable, and the Superintendent/Principal may attend if either the parent/guardian or teacher so requests.

A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the Superintendent/Principal.

A student suspended from class shall not be placed in another regular class during the period of suspension. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was suspended.

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension.

Pursuant to Education Code Section 48900.1 and Board policy, a teacher may require the parent/guardian of a student whom the teacher has suspended to attend a portion of a school day in his/her child’s classroom. When a teacher makes this requirement, the Superintendent/principal shall send the parent/guardian who actually lives with the student a written notice that the parent/guardian’s attendance is required pursuant to law.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange any necessary change.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor code Section 230.7.

3. As the parent/guardian to meet with the Superintendent/Principal after the visit and before leaving school, as required by Education Code Section 48900.1.

The teacher shall remind the parent/guardian to meet with the Superintendent/Principal after completing the classroom visit and before leaving school premises.

Suspension by the District Administrator

1. Informal Conference

Suspension shall be preceded by an informal conference conducted by the Superintendent/Principal between the student, and whenever practicable, the teacher, supervisor or school employee who referred the student to the Superintendent/Principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; he/she shall be given the opportunity to present his/her version and evidence in his/her defense.

This conference may be omitted if the Superintendent/Principal determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or school personnel. If a conference is not held prior to suspension, both the parent/guardian and student shall be notified of the student’s right to return to school for the purpose of a conference. The conference shall be held within two (2) school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school.

2. Administrative Actions

All requests for student suspension are to be processed by the Superintendent/Principal of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent/Principal
3. **Notice to Parents/Guardians**

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension.

This notice shall state the reasons for suspension and the date and time when the student may return to school. Should school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may also add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference**

Whenever a student is suspended school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters.

While the parent/guardian is required to respond without delay to a request for a conference about a student’s behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend.

5. **Extension of Suspension**

If the Board is considering the expulsion of a suspended student or the suspension of a student for the balance of the semester, the Superintendent/Principal may, in writing, extend the suspension until such time as the Board has made a decision.

When consideration is given to the possible extension of a suspension, the student and his/her parents/guardians must be so informed during the conference which is held at the time when the student is suspended. Only the Superintendent/Principal may extend a suspension until the time of a schedule expulsion hearing. Such an extension will be issued only in cases where the Superintendent/Principal has reason to believe that the student’s presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
Suspension by the Board

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it may hold closed sessions if a public hearing would lead to disclosure of information which would violate a student’s right to privacy under Education Code Sections 49073 through 49079.

The Board shall provide the student with written notice of the closed session by certified mail. Upon receiving this notice, the student may request a public meeting, and this request shall be granted if made in writing within forty-eight (48) hours after receipt of the Board’s notice. However, any discussion that conflicts with any other student’s right to privacy still shall be held in closed session.

Authority to Expel

A student may be expelled only by the Board. The Board may order a student expelled for any of the acts listed under “Grounds for Suspension and Expulsion” above, upon recommendation by the Superintendent/Principal, hearing officer or administrative panel finding that the student violated:

1. Items (1)-(10) of the list or

2. Items (11)-(24) of the list and either (1) other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or (2) due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Recommendation for Expulsion (Education Code Section 48915)

1. The Superintendent/Principal shall recommend a student’s expulsion for any of the following acts committed at school or at a school activity off school grounds, unless the Superintendent/Principal finds, and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:

   a. Causing serious physical injury to another person, except in self-defense

   b. Possession of any knife, explosive or other dangerous object of no reasonable use to the student
c. Unlawful possession of any controlled substance, as listed in Health and Safety Code Sections 11053 through 11058, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis

d. Robbery or extortion

c. Assault or battery, as defined in Penal Code Sections 240 and 242, upon any school employee

The Superintendent/Principal shall immediately suspend an recommend for expulsion any student who commits any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling or otherwise furnishing a firearm except where a certificated employee gave prior written permission to possess the firearm and the Superintendent/Principal concurred

2. Brandishing a knife at another person

3. Unlawfully selling a controlled substance listed in health and Safety Code Sections 11053 through 11058

4. Committing or attempting to commit a sexual assault or sexual battery as defined in Education Code Section 48900

Student's Right to Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within thirty (30) school days after the Superintendent/Principal determines that one of the acts listed under “Grounds for Suspension and Expulsion” has occurred.

The student is entitled to one (1) postponement of an expulsion hearing for a period of not more than thirty (30) calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board’s discretion.
If the Board finds it impracticable to comply with these times requirements for conducting an expulsion hearing, the Superintendent/Principal may, for good cause, extend the time period by an additional five (5) school days. Reasons for this extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Written Notice of the Hearing

Written notice of the hearing shall be forwarded to the student and the student’s parent/guardian at least ten (10) calendar days before the date of the hearing. The notice shall include:

1. The date and place of this hearing.
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of District disciplinary rules which relate to the alleged violation.
4. Notification that when seeking enrollment in another district, an emancipated student expelled for acts other than those described in “Recommendation for Expulsion,” or the student’s parent/guardian, must inform the new district of the student’s status with the expelling district, pursuant to Education Code Section 48915.1.
5. The opportunity for the student or the student’s parent/guardian to appear in person or to employ and be represented by counsel.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student’s behalf, including witnesses.
Conduct of Hearing

1. Closed Session: As provided by Education Code Section 48918(e), and notwithstanding the provisions of Government Code Section 54953 and Education Code Section 35245, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five (5) days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public subject to the sexual assault or sexual battery exception. If there is a charge of committing or attempting to commit sexual assault or sexual battery as defined in Education Code Section 48900, a complaining witness may have his/her testimony heard in a closed session if the following circumstances exist:

   a. When testifying at a public meeting would threaten serious psychological harm to the complaining witness and

   b. There is no alternative procedure, such as videotaped deposition or examination communicated to the hearing room by closed circuit television

Whether the expulsion hearing is held in closed or public session, the Board may meet enclosed session to determine if the student should be expelled. If the Board admits any other person to the closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session.

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made.

3. Presentation of Evidence: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in “Grounds for Suspension and Expulsion.”
Findings of fact shall be based solely on the evidence at the hearing. While no decision shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of psychological or physical harm.

In cases where a search of a student’s person or property has occurred, evidence describing the reasons for the search shall be included in the hearing record.

Hearings which include an allegation of committing or attempting to commit a sexual assault or sexual battery shall be conducted as other hearing except where modifications are required by Education Code Sections 48917 through 48918 or by other law.

4. Decisions Within Ten (10) Days: The Board’s decision on whether to expel a student shall be made within (10) school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.

5. Decision Within Forth (40) Days: The Board’s decision on whether to expel a student shall be made within forty (40) school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.

Final Action by the Board

Whether the expulsion hearing is conducted enclosed or public session by the Board, a hearing officer or an administrative panel, the final action to expel must be taken by the Board at a public meeting. The Board shall maintain a record of each expulsion, including its cause. Expulsion records shall be non-privileged, disclosable public records.

At the time an expulsion is ordered for an act other than those described in paragraphs #1 through #4 of “Grounds for Suspension or Expulsion,” the Board shall set a date, no later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school within the District. If the student is expelled for an act described in paragraphs #1 through #4 of “Grounds for Suspension or Expulsion,” the Board shall set a date of one (1) year from the date of expulsion, when the student shall be reviewed for readmission to a school within the District. A copy of readmission procedures will be made available to the student and his/her parent/guardian.
The Board shall recommend a plan for the student’s rehabilitation at the time of the expulsion order, which may include:

1. Periodic review and assessment of the student at the time of review for readmission.

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitation programs.

3. Such other recommendations as the Board approves.

With parental consent, a student who has been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

Reinstatement

When the Board accepts a recommendation against expulsion or makes its own decision after the hearing not to expel, the decision is final and the student shall be reinstated immediately. The Superintendent/Principal shall place the student in any classroom program, other instructional program, rehabilitation program or any combination of such programs following consultation with District personnel, including the teacher involved, and with the student’s parent/guardian.

Written Notice to Expel

Upon a decision by the Board to expel, the Superintendent/Principal shall send the following written notice to the student, parent or guardian:

1. Decision to expel

2. Right to appeal such expulsion to the County Board of Education

3. Education alternative to be provided during the time of expulsion

4. Obligation of student, parent or guardian to inform a new district of the expulsion upon enrollment.
Readmission

In accordance with the terms of the expulsion order, the Board shall conduct a review of the student's expulsion status and readmission.

Readmission procedures shall be as follows:

1. The Superintendent/Principal will hold a conference with the parent/guardian and the student.

   At the conference, the conditions for readmission will be reviewed. The Superintendent/Principal shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.

2. The Superintendent/Principal shall transmit his/her recommendation for readmission to the Board. The Board shall consider a request in closed session if information would be disclosed in violation of Education Code Sections 49073 through 49079. If a written request for open session is received from the parent/guardian or adult student, it will be honored.

3. The Board may deny an application for readmission if it finds that the student has not satisfied conditions of the expulsion or has not demonstrated sufficient rehabilitation to be readmitted to school.

4. The Superintendent/Principal will notify the student or parent/guardian, by registered mail, of the Board's decision regarding readmission.

Students expelled for possession of a firearm at school or at a school activity shall not be readmitted until at least one (1) year after the date of their expulsion.

Any earlier readmission shall be permitted only on a case-by-case basis at the recommendation of the Superintendent/Principal.
Suspension of Expulsion

1. The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one (1) calendar year and may as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student’s rehabilitation. Expulsion orders shall not be suspended in cases of students possessing firearms.

   When deciding whether to suspend an expulsion, the Board shall take into account the following criteria:

   a. The student’s previous behavior.

   b. The seriousness of the misconduct.

   c. The student’s attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

2. During the period of the suspension of the expulsion order, the student shall be on probationary status.

3. The suspension of expulsion order may be revoked by the Board if the student commits any of the acts listed under “Grounds for Suspension and Expulsion” above or violates any of the District’s rules and regulations governing student conduct.

4. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school and may also order the expungement of any or all records of the expulsion proceedings.

6. Suspension of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. The appeal must be filed within thirty (30) days of the Board’s decision to expel.
7. The Superintendent/principal shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the student or parent/guardian of the right to appeal the expulsion to the County Board.

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board’s decision to the County Board.

The appeal must be filed within thirty (30) days of the Board’s decision to expel, even if the expulsion action is suspended and the student is placed on probation.

Maintenance of Records

The Board will maintain a record of each expulsion, including the cause therefore. The expulsion record shall be maintained in the student’s mandatory interim record and sent to any school in which the student subsequently enrolls, within five (5) days of written request by the admitting school.

The Superintendent/Principal shall, within five (5) working days, honor any other district’s request for information about an expulsion from this District.

Notifications and Reports

Within one (1) school day after a student’s suspension or expulsion, the Superintendent/principal shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code Section 48900(c) or (d), relating to the possession, use, offering or sale, or otherwise furnishing of controlled substances listed in health and Safety Code Sections 11053 through 11058, alcohol or intoxicants of any kind.

Prior to the suspension or expulsion of any student, the Superintendent/Principal shall notify appropriate city or county law enforcement authorities of any student acts or assaults which may have violated Penal Code Section 245.

The Superintendent/principal also shall notify appropriate city or county law enforcement authorities of any student possess of weapons or firearms in violation of penal Code Sections 626.9 and 626.10.
5131.7 Suspension and Expulsion/Due Process (Students With Disabilities)

Suspension

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973 is subject to the same grounds for suspension which apply to regular education students. All the procedural safeguards established by District policies and regulation shall be observed in considering the suspension of students with disabilities.

The Superintendent/principal may suspend a student with disability for up to five (5) school days for a single incident of misconduct, and for up to twenty (20) school days in a school year. If the student is transferred to another school or alternative educational program, the student may be suspended for up to thirty (30) school days in a school year, but still no more than five (5) days for a single incident of misconduct, unless the student is suspended by the Board pursuant to Education Code Section 48912.

If the student poses an immediate threat to the safety of himself/herself or others, the Superintendent/Principal may suspend the student for up to, but not more than, ten (10) consecutive days. In the case of a dangerous child, a suspension may exceed ten (10) consecutive school days, and/or the student’s placement may be changed, if the parent/guardian so agrees or if a court order so provides.

If student with disability possesses at school or at a school activity a weapon as defined in the United States Code, title 18, Section 921, he/she shall be immediately suspended and may be placed in an alternative education setting for not more than forty-five (45) calendar days or until the conclusion of any due process proceedings requested by the parent/guardian. The student’s alternative educational setting shall be determined by the Student’s individualized education program (IEP) team or school site committee.

Monitoring of Suspensions

Whenever a student identified as an individual with disability has been suspended on three (3) separate occasions or for a total of five (5) days, whichever occurs first, the student’s IEP team or school site committee shall meet to consider whether:

1. The student’s misconduct was related to his/her disability
2. The misconduct was the result of an inappropriate placement and

3. A change in placement has occurred as a result of the cumulative suspensions.

Based on its findings, the IEP team or school site committee shall determine whether to initiate alternatives to suspension, change in placement or other changes to the student’s IEP or accommodation plan.

Expulsion

Procedures and timelines governing the expulsion of students with disabilities shall be the same as those for all other students, except that a pre-expulsion assessment shall be made and an IEP team or school site committee meeting held under conditions and with possible consequences indicated below.

Pre-Expulsion Assessment and Meeting

1. The parent/guardian shall receive written notice of the District’s intent, to conduct the pre-expulsion assessment and shall make the student available for the assessment without delay at a site designated by the District. The parent/guardian shall also have the right to an independent assessment as provided in Education Code Section 56329.

2. The pre-expulsion session shall be conducted in accordance with the guidelines of the Code of Federal Regulations, Title 34, Section 104.35, which shall include a review of the student's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the student’s behavior and his/her disability.

3. The IEP team or school site committee shall meet to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and District within the period, if any, of the student’s pre-expulsion suspension. The parent/guardian’s participation may be made through actual participation, representation or a telephone conference call.

4. The parent/guardian shall be notified of his/her right to participate in the meeting at least forty-eight (48) hours before the meeting. This notice shall specify that the:
a. Meeting may be held without the parent/guardian’s participation unless he/she requests a postponement for up to three (3) additional school days and

b. Suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of himself/herself or others:

In order to make a record of its attempts to arrange the meeting at a mutually convenient time and place, the district shall keep documentation such as:

a. Detailed records of telephone calls made or attempted and the results of those calls.

b. Copies of correspondence sent to parents/guardians and any responses received.

c. Detailed records of visits made to the parent/guardian’s home or place of employment and the results of those visits.

5. The District shall grant a parent/guardian’s request that the meeting be postponed for up to three (3) additional school days and may extend a student’s suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of himself/herself or others. However, the suspension shall not be extended beyond ten (10) consecutive school days unless agreed to by the parent/guardian or by court order. If the parent/guardian refuses to consent to an extension beyond ten (10) consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian’s participation.

6. The IEP team or school site committee shall consider the pre-expulsion assessment results and shall also review and consider the student’s health records and school discipline records.

7. If the IEP team or school site committee determines that the alleged misconduct was caused by or was a direct manifestation of, the student’s disability or that the student was not appropriately placed, the expulsion shall not proceed.
8. If the IEP team or school site committee determines that the alleged misconduct was not caused by or a direct manifestation of, the student’s disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students.

9. When expulsion is recommended, the IEP team or school site committee shall also recommend a potential rehabilitation plan for the student, if appropriate.

Due Process and Expulsion Hearings

If the parent/guardian disagrees with the decision of the IEP team or school site committee, he/she has a right to a due process hearing conducted pursuant to United States Code, Title 20, Section 1415 or the Code of Federal Regulations, Title 34, Section 104.36.

Due process appeals must be initiated within fifteen (15) days of the decision of the IEP team or school site committee.

The expulsion hearing shall not be conducted, and the thirty (30) day expulsion proceedings time limit shall not commence, until after completion of:

1. The pre-expulsion assessment

2. The IEP team or school site committee meeting and,

3. Due process hearings and appeals, if initiated

The Board may expel a student with disability only if an IEP team or school site committee has determined that (1) the misconduct was not caused by or a direct manifestation of, the student’s identified disability; and (2) the student was appropriately placed at the time the misconduct occurred.

Services During Expulsion

During the term of the expulsion, a special education student shall continue to be offered a program of appropriate educational services that is individually designed to meet his/her unique learning needs. Such services may include independent study, home instruction or another appropriate alternative program.
The Board shall consider the recommendations of the IEP team or school site committee when developing a rehabilitation plan for an expelled student with disability.

Readmission

Readmission procedures for students with disabilities shall parallel those used for all students. The Superintendent/Principal may consider the input of the student’s IEP team or school site committee when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team or school site committee meeting shall be convened to determine whether a new IEP or accommodation plan needs to be established.

Suspension of Expulsion

The Board’s criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities just as they are applied to regular students.

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<td>35291</td>
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Penal Code

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<td>626.2</td>
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United States Code, Title 18

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<td>921</td>
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United States Code, Title 20

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Legal Reference: (continued.)

United States Code, Title 29
706 Definitions
794 Rehabilitation Act of 1973, Section 504

Code of Federal Regulations, Title 34
104.35 Evaluation and Placement
104.36 Procedural Safeguards
300.345 Parent participation

Honig v. Doe, 484 U.S. 305 (1988)

Parents of Students W. v. Puyallup School District, 9th Cir. 31 F.3d 1489 (1994)

5131.6 Suspension and Expulsion

The Governing Board recognizes that maintaining an environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction. District policies and school site rules shall clearly identify District behavior standards.

Suspension and Expulsion

Except in cases where suspension for a first offense is warranted in accordance with law or board policy, suspension shall be imposed only when other means of correction fail to bring about proper conduct.

Expulsion is an action taken by the Governing Board for severe or prolonger breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct or when the student’s presence causes a continuing danger to other students.

Grounds for Suspension or Expulsion

the grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulations. The superintendent/principal shall inform all students of these grounds annually. Other disciplinary methods will be used with students who are truant, tardy or otherwise absent from assigned school activities.

Student Due Process

The Governing Board shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The administration and staff shall comply with the procedures for notices and appeals as specified in regulation. Procedures governing student due process shall conform in all aspects to provisions in law.

Whenever a student is suspended, school officials may (but are not required) to meet with the parents/guardians to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters.
Parents/guardians shall be notified of this policy before it is implemented at the beginning of each subsequent school year.

Definitions:

1. **Suspension:**
   
   Removal of a pupil from ongoing instruction for adjustment purposes.

2. **Expulsion:**
   
   Removal of a pupil from (a) the immediate supervision and control or (b) the general supervision of school personnel who possess a valid certification document, registered as required by law.

3. **Day:**
   
   a calendar day unless otherwise specifically provided.

4. **Schoolday:**
   
   A day during which the schools of the District are in session.

**Required Parental Attendance**

The Governing Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may consider informing the parent/guardian about available resources which may provide help in parenting skill development. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote interaction between the student and the parent/guardian and to improve classroom behavior.
When a student is suspended from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied staff authority, the teacher of the class from which the student was suspended, with the concurrence of the Superintendent/Principal, may require the student’s parent/guardian to attend a portion of the schoolday in the class. Parental attendance may be required on the day the student returns to class or within one week thereafter. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the Superintendent/Principal. (Education Code Section 489001)

The Superintendent/Principal shall contact any parent/guardian who does not respond to the request to attend school. The Board recognizes parental compliance with this policy may be delayed, modified or prevented by serious illness or injury, disability, absence from town or inability to get release time from work.

The Superintendent/Principal shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who actually lives with the student. Parent/guardian shall be notified of this policy before it is implemented and at the beginning of each school year.

When a teacher, with the concurrence of the Superintendent/Principal, requires a parent/guardian to attend school in accordance with Board policy, the Superintendent/Principal shall send the parent/guardian a written notice that attendance is required pursuant to law (Education Code Section 48900.1).

The parent/guardian may be compelled to attend only that class from which the pupil was suspended.
The procedure for compelling school attendance by the parent/guardian of a suspended pupil shall be as follows:

1. The student must first be suspended.

2. If the teacher elects to compel attendance by the parent/guardian, he/she shall notify the Superintendent/Principal. The Superintendent/Principal must then end the appropriate notice to the parent/guardian. A copy of the notice is attached to this policy; is adopted by this Board; and is incorporated in this policy by reference.

3. This notice shall be served on the parent/guardian with whom the pupil resides.

4. The parent/guardian who has received the notice shall attend the classroom as directed in the notice.

5. The parent/guardian shall then meet with the Superintendent/Principal immediately upon completing the classroom visitation and before leaving the school site.

It is the policy of the Board that the parent/guardian shall attend the classroom no less than five (5) calendar days after the notice is served on them. (Note: The Board is free to select a “reasonable” period of time.)

If the parent/guardian does not appear in the classroom as directed at the appropriate time and place, the notice shall be served on them by a professional process server and they shall be given an additional three (3) days to respond to the notice.

A parent/guardian shall be excused from classroom attendance only if he/she can demonstrate to the satisfaction of the Superintendent/Principal of the school that it would be unreasonable for him/her to comply with the notice.

Legal Reference:  
Education Code  
35146 Executive Sessions (Re Consideration of Student Suspension)  
35291 Rules  
39800 Transportation  
44014 Report of Assault by Pupils, Failure a Misdemeanor  
44809.5 Restriction from Recess for Disciplinary Purposes
Legal Reference:  
48900-48925 Suspension or Expulsion  
48900.1 Attendance of Suspended Child’s Parent or Guardian for Portion of School Day; School District Policy and Procedures; Protection of Parent or Guardian’s Employment  
48900.2 Additional Grounds for Suspension or Expulsion; Sexual Harassment  
48900.3 Hate Violence  
48909 Willful Misconduct, Limit of Liability of Parent or Guardian  
48911 Suspension by Principal, Principal’s Designee or Superintendent  
48921 Duties of Pupils  
48903.6 Smoking and Possession of Tobacco on School Premises  
48922 Narcotics or Other Hallucinogenic Drugs  
48980-48981 Notification of parent or Guardian  
49000 Administration of punishment to Pupils  
49001 Prohibition of Corporal punishment of pupils  
51202 Instruction in Personal and Public health and Safety  
51203 Instruction on Alcohol, Narcotics and Restricted Dangerous Drugs  
51262 Instruction in Drug Education  
54950 Re Closed Session  

California Code of Regulations, Title 5  
300-3007 Duties of Pupils  
305 Pupil Responsible for Care of Property  

Civil Code  
1714.1 Liability of parent or Guardian for Act of Willful Misconduct by a Minor  

Government Code  
53069.5 Reward for Information Concerning Person Causing Death, Injury or Property Damage; Liability for Reward  

Penal Code  
626.2 Entry Upon Campus After Written Notice of Suspension
Suspension From Class by a Teacher/Parental Attendance

Suspension from class means the removal of a student from class by a teacher for the day of the suspension and the following day. A teacher may suspend a student from class and may also refer a student for consideration of suspension from school for any act listed in “Grounds for Suspension and Expulsion” above.

When suspending a student, the teacher shall immediately report this action to the Superintendent/Principal and send the student to the Superintendent/Principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student’s parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist should attend the conference if it is practicable, and the Superintendent/Principal may attend if either the parent/guardian or teacher so requests.

A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the Superintendent/Principal.

A student suspended from class shall not be placed in another regular class during the period of suspension. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was suspended.

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension.

Pursuant to Education Code Section 48900.1 and Board policy, a teacher may require the parent/guardian of a student whom the teacher has suspended to attend a portion of a school day in his/her child’s classroom. When a teacher makes this requirement, the Superintendent/principal shall send the parent/guardian who actually lives with the student a written notice that the parent/guardian’s attendance is required pursuant to law.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange any necessary change.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor code Section 230.7.

3. As the parent/guardian to meet with the Superintendent/Principal after the visit and before leaving school, as required by Education Code Section 48900.1.

The teacher shall remind the parent/guardian to meet with the Superintendent/Principal after completing the classroom visit and before leaving school premises.

**Suspension by the District Administrator**

1. **Informal Conference**

   Suspension shall be preceded by an informal conference conducted by the Superintendent/Principal between the student, and whenever practicable, the teacher, supervisor or school employee who referred the student to the Superintendent/Principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; he/she shall be given the opportunity to present his/her version and evidence in his/her defense.

   This conference may be omitted if the Superintendent/Principal determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or school personnel. If a conference is not held prior to suspension, both the parent/guardian and student shall be notified of the student’s right to return to school for the purpose of a conference. The conference shall be held within two (2) school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school.

2. **Administrative Actions**

   All requests for student suspension are to be processed by the Superintendent/Principal of the school in which the student is enrolled at the time of the misbehavior.

   A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent/Principal
3. Notice to Parents/Guardians

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension.

This notice shall state the reasons for suspension and the date and time when the student may return to school. Should school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may also add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference

Whenever a student is suspended school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters.

While the parent/guardian is required to respond without delay to a request for a conference about a student’s behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend.

5. Extension of Suspension

If the Board is considering the expulsion of a suspended student or the suspension of a student for the balance of the semester, the Superintendent/Principal may, in writing, extend the suspension until such time as the Board has made a decision.

When consideration is given to the possible extension of a suspension, the student and his/her parents/guardians must be so informed during the conference which is held at the time when the student is suspended. Only the Superintendent/Principal may extend a suspension until the time of a schedule expulsion hearing. Such an extension will be issued only in cases where the Superintendent/Principal has reason to believe that the student’s presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
Suspension by the Board

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it may hold closed sessions if a public hearing would lead to disclosure of information which would violate a student’s right to privacy under Education Code Sections 49073 through 49079.

The Board shall provide the student with written notice of the closed session by certified mail. Upon receiving this notice, the student may request a public meeting, and this request shall be granted if made in writing within forty-eight (48) hours after receipt of the Board’s notice. However, any discussion that conflicts with any other student’s right to privacy still shall be held in closed session.

Authority to Expel

A student may be expelled only by the Board. The Board may order a student expelled for any of the acts listed under “Grounds for Suspension and Expulsion” above, upon recommendation by the Superintendent/Principal, hearing officer or administrative panel finding that the student violated:

1. Items (1)-(10) of the list or

2. Items (11)-(24) of the list and either (1) other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or (2) due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Recommendation for Expulsion (Education Code Section 48915)

1. The Superintendent/Principal shall recommend a student’s expulsion for any of the following acts committed at school or at a school activity off school grounds, unless the Superintendent/Principal finds, and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:
   a. Causing serious physical injury to another person, except in self-defense
   b. Possession of any knife, explosive or other dangerous object of no reasonable use to the student
c. Unlawful possession of any controlled substance, as listed in Health and Safety Code Sections 11053 through 11058, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

d. Robbery or extortion

e. Assault or battery, as defined in Penal Code Sections 240 and 242, upon any school employee

The Superintendent/Principal shall immediately suspend an recommend for expulsion any student who commits any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling or otherwise furnishing a firearm except where a certificated employee gave prior written permission to possess the firearm and the Superintendent/Principal concurred.

2. Brandishing a knife at another person.


4. Committing or attempting to commit a sexual assault or sexual battery as defined in Education Code Section 48900.

Student’s Right to Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within thirty (30) school days after the Superintendent/Principal determines that one of the acts listed under “Grounds for Suspension and Expulsion” has occurred.

The student is entitled to one (1) postponement of an expulsion hearing for a period of not more than thirty (30) calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board’s discretion.
If the Board finds it impracticable to comply with these times requirements for conducting an expulsion hearing, the Superintendent/Principal may, for good cause, extend the time period by an additional five (5) school days. Reasons for this extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Written Notice of the Hearing

Written notice of the hearing shall be forwarded to the student and the student’s parent/guardian at least ten (10) calendar days before the date of the hearing. The notice shall include:

1. The date and place of this hearing.

2. A statement of the specific facts and charges upon which the proposed expulsion is based.

3. A copy of District disciplinary rules which relate to the alleged violation.

4. Notification that when seeking enrollment in another district, an emancipated student expelled for acts other than those described in “Recommendation for Expulsion,” or the student’s parent/guardian, must inform the new district of the student’s status with the expelling district, pursuant to Education Code Section 48915.1.

5. The opportunity for the student or the student’s parent/guardian to appear in person or to employ and be represented by counsel.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

7. The opportunity to question all witnesses who testify at the hearing.

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student’s behalf, including witnesses.
Conduct of Hearing

1. Closed Session: As provided by Education Code Section 48918(c), and notwithstanding the provisions of Government Code Section 54953 and Education Code Section 35245, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five (5) days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public subject to the sexual assault or sexual battery exception. If there is a charge of committing or attempting to commit sexual assault or sexual battery as defined in Education Code Section 48900, a complaining witness may have his/her testimony heard in a closed session if the following circumstances exist:

   a. When testifying at a public meeting would threaten serious psychological harm to the complaining witness and

   b. There is no alternative procedure, such as videotaped deposition or examination communicated to the hearing room by closed circuit television

Whether the expulsion hearing is held in closed or public session, the Board may meet enclosed session to determine if the student should be expelled. If the Board admits any other person to the closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session.

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made.

3. Presentation of Evidence: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion."
Findings of fact shall be based solely on the evidence at the hearing. While no decision shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of psychological or physical harm.

In cases where a search of a student’s person or property has occurred, evidence describing the reasons for the search shall be included in the hearing record.

Hearings which include an allegation of committing or attempting to commit a sexual assault or sexual battery shall be conducted as other hearings except where modifications are required by Education Code Sections 48917 through 48918 or by other law.

4. Decisions Within Ten (10) Days: The Board’s decision on whether to expel a student shall be made within (10) school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.

5. Decision Within Forth (40) Days: The Board’s decision on whether to expel a student shall be made within forty (40) school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.

Final Action by the Board

Whether the expulsion hearing is conducted enclosed or public session by the Board, a hearing officer or an administrative panel, the final action to expel must be taken by the Board at a public meeting. The Board shall maintain a record of each expulsion, including its cause. Expulsion records shall be non-privileged, disclosable public records.

At the time an expulsion is ordered for an act other than those described in paragraphs #1 through #4 of “Grounds for Suspension or Expulsion,” the Board shall set a date, no later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school within the District. If the student is expelled for an act described in paragraphs #1 through #4 of “Grounds for Suspension or Expulsion,” the Board shall set a date of one (1) year from the date of expulsion, when the student shall be reviewed for readmission to a school within the District. A copy of readmission procedures will be made available to the student and his/her parent/guardian.
The Board shall recommend a plan for the student’s rehabilitation at the time of the expulsion order, which may include:

1. Periodic review and assessment of the student at the time of review for readmission.

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitation programs.

3. Such other recommendations as the Board approves.

With parental consent, a student who has been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

Reinstatement

When the Board accepts a recommendation against expulsion or makes its own decision after the hearing not to expel, the decision is final and the student shall be reinstated immediately. The Superintendent/Principal shall place the student in any classroom program, other instructional program, rehabilitation program or any combination of such programs following consultation with District personnel, including the teacher involved, and with the student’s parent/guardian.

Written Notice to Expel

Upon a decision by the Board to expel, the Superintendent/Principal shall send the following written notice to the student, parent or guardian:

1. Decision to expel

2. Right to appeal such expulsion to the County Board of Education

3. Education alternative to be provided during the time of expulsion

4. Obligation of student, parent or guardian to inform a new district of the expulsion upon enrollment.
Readmission

In accordance with the terms of the expulsion order, the Board shall conduct a review of the student’s expulsion status and readmission.

Readmission procedures shall be as follows:

1. The Superintendent/Principal will hold a conference with the parent/guardian and the student.

   At the conference, the conditions for readmission will be reviewed. The Superintendent/Principal shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.

2. The Superintendent/Principal shall transmit his/her recommendation for readmission to the Board. The Board shall consider a request in closed session if information would be disclosed in violation of Education Code Sections 49073 through 49079. If a written request for open session is received from the parent/guardian or adult student, it will be honored.

3. The Board may deny an application for readmission if it finds that the student has not satisfied conditions of the expulsion or has not demonstrated sufficient rehabilitation to be readmitted to school.

4. The Superintendent/Principal will notify the student or parent/guardian, by registered mail, of the Board’s decision regarding readmission.

Students expelled for possession of a firearm at school or at a school activity shall not be readmitted until at least one (1) year after the date of their expulsion.

Any earlier readmission shall be permitted only on a case-by-case basis at the recommendation of the Superintendent/Principal.
Suspension of Expulsion

1. The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one (1) calendar year and may as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student’s rehabilitation. Expulsion orders shall not be suspended in cases of students possessing firearms.

   When deciding whether to suspend an expulsion, the Board shall take into account the following criteria:

   a. The student’s previous behavior.

   b. The seriousness of the misconduct.

   c. The student’s attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

2. During the period of the suspension of the expulsion order, the student shall be on probationary status.

3. The suspension of expulsion order may be revoked by the Board if the student commits any of the acts listed under “Grounds for Suspension and Expulsion” above or violates any of the District’s rules and regulations governing student conduct.

4. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school and may also order the expungement of any or all records of the expulsion proceedings.

6. Suspension of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. The appeal must be filed within thirty (30) days of the Board’s decision to expel.
7. The Superintendent/principal shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the student or parent/guardian of the right to appeal the expulsion to the County Board.

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board’s decision to the County Board.

The appeal must be filed within thirty (30) days of the Board’s decision to expel, even if the expulsion action is suspended and the student is placed on probation.

Maintenance of Records

The Board will maintain a record of each expulsion, including the cause therefore. The expulsion record shall be maintained in the student’s mandatory interim record and sent to any school in which the student subsequently enrolls, within five (5) days of written request by the admitting school.

The Superintendent/Principal shall, within five (5) working days, honor any other district’s request for information about an expulsion from this District.

Notifications and Reports

Within one (1) school day after a student’s suspension or expulsion, the Superintendent/principal shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code Section 48900(c) or (d), relating to the possession, use, offering or sale, or otherwise furnishing of controlled substances listed in health and Safety Code Sections 11053 through 11058, alcohol or intoxicants of any kind.

Prior to the suspension or expulsion of any student, the Superintendent/Principal shall notify appropriate city or county law enforcement authorities of any student acts or assaults which may have violated Penal Code Section 245.

The Superintendent/principal also shall notify appropriate city or county law enforcement authorities of any student possess of weapons or firearms in violation of penal Code Sections 626.9 and 626.10.
Loma Prieta
School District

Plan for Expelled Youth
LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Suspension and Expulsion/Due Process – Page 1

Policy No.: 5150

Board Adopted: 9/12/07

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct.

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student’s presence causes a continuing danger to him/herself or others.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent shall notify staff, students and parents/guardians about the District’s zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent shall comply with procedures for notices and appeals as specified in administrative regulation and law.

On-Campus Suspension Program

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The board believes that, in many cases, it would be better to manage the student’s behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.
LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Suspension and Expulsion/Due Process – Page 2

Policy No.: 5150

Board Adopted: 9/12/07

The Superintendent shall establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the Superintendent.

The Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student.

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The Superintendent shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.
Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

Legal Reference:

**Education Code**
212.5 Sexual Harassment
233 Hate Violence Reduction
1981 Enrollment of Students
17292.5 Program for Expelled Students
35146 Closed Sessions (Re: Suspensions)
35291 Rules (For Government and Discipline of Schools)
35291.5 Rules and Procedures on School Discipline
48660-48666 Community Day Schools
48900-48926 Suspension and Expulsion
49950 Speech and Other Communication
49073-49079 Privacy of Student Records

**Civil Code**
48.8 Defamation Liability

**Code of Civil Procedure**
1985-1997 Subpoenas; Means of Production

**Government Code**
11455.20 Contempt
54950-54962 Ralph M. Brown Act (Re: Closed Sessions)

**Health and Safety Code**
11014.5 Drug Paraphernalia
11053-11058 Standards and Schedules

**Labor Code**
230.7 Discharge or Discrimination Against Employee for Taking Time Off to Appear in School on Behalf of a Child

**Penal Code**
31 Principal Defined
240 Assault Defined
241.2 Assault Fines
242 Battery Defined
243.2 Battery Fines
243.4 Sexual Battery
245 Assault with a Deadly Weapon
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Suspension and Expulsion/Due Process – Page 4

Policy No.: 5150
Board Adopted: 9/12/07

Legal Reference:

Penal Code (cont.)

261 Rape Defined
266c Unwanted Sexual Intercourse
286 Sodomy Defined
288 Lewd or Lascivious Acts with Child Under Age 14
288a Oral Copulation
289 Penetration of Genital or Anal Openings
626.2 Entry Upon Campus After Written Notice of Suspension or Dismissal Without Permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, Daggers, Knives, Razors or Stun Guns
868.5 Supporting Person; Attendance During Testimony of Witness

Welfare and Institutions Code

729.6 Counseling

United States Code, Title 18

921 Definitions

United States Code, Title 20

6301-8962 Improving America's Schools Act, Especially: